

economy is the virus. It is the virus that has killed hundreds of thousands of people and shuttered businesses. It is not the safety standard that will keep workers safe and businesses open.

In fact, this type of safety standard is also supported by businesses across the country. Many businesses have already implemented policies like the standard Republicans are trying to overturn. And you know what has happened time after time?

United Airlines, 99 percent of its 67,000-person workforce has complied overwhelmingly by getting vaccinated. Tyson Foods went from having less than half of its 120,000 workers vaccinated to now over 96 percent. MGM Resorts has 98 percent of its workers vaccinated. Walmart says an overwhelming majority of employees have gotten vaccinated. A Connecticut manufacturer with 250 workers recently announced 100-percent vaccination rate. And that list goes on and on.

In one place after another, we are seeing over 90 percent of workers comply with this requirement—some through testing, and the overwhelming majority through vaccination.

The big picture here is that this rule, which Republicans keep attacking, is saving lives. OSHA estimates it will help protect 84 million workers and prevent thousands of deaths and over 250,000 hospitalizations from COVID-19, and yet here we are—Republicans pushing to scrap it entirely, undermining the progress, and putting America lives and livelihoods in danger.

This pandemic has done a lot of damage. It wrecked our economy. It shut down our schools and our businesses. It forced people to postpone weddings and graduations and funerals. It devastated our Nation's mental health. It killed over three-quarters of a million people.

It is not over. We have come a long way. This pandemic sent unemployment as high as 14.8 percent. Today, it is back down to 4.2 percent—the lowest it has been since the start of the pandemic.

Schools have reopened and brought students safely back to classrooms. Businesses are hiring. People are getting vaccinated, getting back to work, getting back to plans that have been put off by this pandemic, and getting back to seeing their friends and families. But they do not want to go backwards. The American people do not want to go backwards. And that is exactly where the Republicans' misinformation on commonsense policies like this will take us: backwards.

We know the path forward to finally end this involves getting everyone vaccinated. We should all be working towards that goal, not against it. Families are counting on us to lead our Nation through this crisis, not back into it.

After all we have lost and all the hard work we have done to rebuild, we must not throw our economy and our communities and Americans' lives into jeopardy by sabotaging our pandemic

response. When you are fighting a fire, you don't stop in the middle of it and turn off the water. That is exactly what this resolution will do.

It takes away one of the most important tools we have given OSHA to protect workers, in the middle of a pandemic when we need it most, and jeopardize all of the hard work Americans have done to get us out of this.

So I am here tonight to urge my colleagues to vote no—no to more lost lives, no to a longer pandemic, and to join me in defending a commonsense tool that will help put this incredibly difficult chapter of American life behind us.

I yield floor.

VOTE ON SMITH NOMINATION

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise to the Smith nomination?

Mrs. MURRAY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Maryland (Mr. VAN HOLLEN) is necessarily absent.

The result was announced—yeas 58, nays 41, as follows:

[Rollcall Vote No. 488 Ex.]

YEAS—58

Baldwin	Graham	Peters
Bennet	Hassan	Reed
Blumenthal	Heinrich	Romney
Blunt	Hickenlooper	Rosen
Booker	Hirono	Sanders
Brown	Kaine	Schatz
Burr	Kelly	Schumer
Cantwell	King	Shaheen
Capito	Klobuchar	Sinema
Cardin	Leahy	Smith
Carper	Lujan	Stabenow
Casey	Manchin	Tester
Cassidy	Markey	Warner
Collins	Menendez	Warnock
Coons	Merkley	Warren
Cortez Masto	Murkowski	Whitehouse
Duckworth	Murphy	Wicker
Durbin	Murray	Wyden
Feinstein	Ossoff	
Gillibrand	Padilla	

NAYS—41

Barrasso	Hawley	Risch
Blackburn	Hoeven	Rounds
Boozman	Hyde-Smith	Rubio
Braun	Inhofe	Sasse
Cornyn	Johnson	Scott (FL)
Cotton	Kennedy	Scott (SC)
Cramer	Lankford	Shelby
Crapo	Lee	Sullivan
Cruz	Lummis	Thune
Daines	Marshall	Tillis
Ernst	McConnell	Toomey
Fischer	Moran	Tuberville
Grassley	Paul	Young
Hagerty	Portman	

NOT VOTING—1

Van Hollen

The nomination was confirmed.

The PRESIDING OFFICER (Mr. KELLY). Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will immediately be notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now resume legislative session.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL UNDER CHAPTER 8 OF TITLE 5, UNITED STATES CODE, OF THE RULE SUBMITTED BY THE DEPARTMENT OF LABOR RELATING TO "COVID-19 VACCINATION AND TESTING; EMERGENCY TEMPORARY STANDARD"

The PRESIDING OFFICER. All time on S.J. Res. 29 has expired.

The clerk will read the joint resolution by title for the third time.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall the joint resolution pass?

Mr. BENNET. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 52, nays 48, as follows:

[Rollcall Vote No. 489 Leg.]

YEAS—52

Barrasso	Grassley	Risch
Blackburn	Hagerty	Romney
Blunt	Hawley	Rounds
Boozman	Hoeven	Rubio
Braun	Hyde-Smith	Sasse
Burr	Inhofe	Scott (FL)
Capito	Johnson	Scott (SC)
Cassidy	Kennedy	Shelby
Collins	Lankford	Sullivan
Cornyn	Lee	Tester
Cotton	Lummis	Thune
Cramer	Manchin	Tillis
Crapo	Marshall	Toomey
Cruz	McConnell	Tuberville
Daines	Moran	Wicker
Ernst	Murkowski	Young
Fischer	Paul	
Graham	Portman	

NAYS—48

Baldwin	Heinrich	Peters
Bennet	Hickenlooper	Reed
Blumenthal	Hirono	Rosen
Booker	Kaine	Sanders
Brown	Kelly	Schatz
Cantwell	King	Schumer
Cardin	Klobuchar	Shaheen
Carper	Leahy	Sinema
Casey	Lujan	Smith
Coons	Markey	Stabenow
Cortez Masto	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murphy	Warnock
Feinstein	Murray	Warren
Gillibrand	Ossoff	Whitehouse
Hassan	Padilla	Wyden

The joint resolution (S.J. Res. 29) was passed as follows:

S.J. RES. 29

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Department of Labor relating to "COVID-19 Vaccination and Testing; Emergency Temporary Standard" (86 Fed. Reg. 61402 (November 5, 2021)), and such rule shall have no force or effect.